

ESTTA Tracking number: **ESTTA717715**

Filing date: **12/30/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223510
Party	Defendant Acelero Learning Data and Technical Assistance, Inc.
Correspondence Address	JAVIER J. RAMOS MILBANK, TWEED, HADLEY & MCCLOY LLP 1850 K ST NW , STE 1100 WASHINGTON, DC 20006-2236 UNITED STATES jramos@milbank.com
Submission	Answer
Filer's Name	Javier J. Ramos
Filer's e-mail	dcip@milbank.com
Signature	/Javier J. Ramos/
Date	12/30/2015
Attachments	02013 27319D - Answer.pdf(36093 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Application Serial No. 86/257,568

For the Mark: SHINE INSIGHT

Published in the *Official Gazette (Trademarks)* on April 28, 2015

Opposition filed on August 26, 2015

SYMPPLICITY CORP.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91223510
)	
ACELERO LEARNING DATA AND)	
TECHNICAL ASSISTANCE, INC.,)	
)	
Applicant.)	

ANSWER

Named Applicant, Acelero Learning Data and Technical Assistance, Inc. (hereafter “Acelero”), answers the notice of opposition filed on August 27, 2015 as follows:

1. Acelero denies that it is the owner of United States Trademark Application No. 86/257,568 (the “’568 application”). Also, the ’568 application seeks registration of SHINE INSIGHT in the primary register for goods in class 009. Otherwise, Acelero admits the remainder of paragraph 1.

2. Acelero lacks sufficient information to form a belief about the contents of paragraph 2 and denies them on that basis.

3. Acelero lacks sufficient information to form a belief about the contents of paragraph 3 and denies them on that basis, but observes that Symplicity Corp. has no registration for the INSIGHT mark, only an application, according to USPTO records.

4. Acelero lacks sufficient information to form a belief about the contents of paragraph 4 and denies them on that basis.

5. Based on the representations by the USPTO in the office action dated May 21, 2015 in United States Trademark Application No. 86/533,567, Acelero admits the contents of paragraph 5.

6. Applicant denies the contents of paragraph 6.

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board deny Symplicity's requested relief in its entirety and enter judgment in favor of Acelero.

Respectfully submitted,

Date: December 30, 2015

By: _____/Javier J. Ramos/

Robert J. Koch
Javier J. Ramos
MILBANK, TWEED, HADLEY &
McCLOY, LLP
1850 K St. NW, Suite 1100
Washington, DC 20006
(202) 835-7500
rkoch@milbank.com
jramos@milbank.com

CERTIFICATE OF SERVICE

I, Javier Ramos, do hereby certify that on December 30, 2015, I caused to be served a true and correct copy of APPLICANT'S ANSWER:

By First Class Mail:

Lora A. Moffat, Esq.
Crowell & Moring LLP
P.O. Box 14300
Washington, DC 20044-4300
lmoffatt@crowell.com
Attorney for Opposer

Pursuant to 28 U.S.C. § 1746, I certify under penalty of perjury that the foregoing is true and correct. Executed on December 30, 2015.

_____/Javier J. Ramos/
Javier J. Ramos